

Approved as Submitted: January 19, 2005

**CITY OF MORGAN HILL  
JOINT SPECIAL CITY COUNCIL  
AND SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – DECEMBER 15, 2004**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 6:01 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council and Redevelopment Agency Action***

**CLOSED SESSIONS:**

City Attorney/Agency Counsel Leichter announced the below listed closed session items:

**1.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority:	Government Code section 54956.9(a)
Case Name:	Wells Construction Group v. City of Morgan Hill et al.
Case Number:	Santa Clara County 1-04-CV-030195

**2.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority:	Government Code section 54956.9(a)
Case Name:	Arcadia Development Company v. City of Morgan Hill
Case Number:	Santa Clara County No. 1-04-CV-020598

**3.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority:	Government Code section 54956.9(a)
Case Name:	Flooring Solutions v. Wells Construction, et al.
Case Number:	Santa Clara County No. 1-04-CV-031843

**4.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	City of Morgan Hill v. Howard Vierra
Case Number:	Santa Clara County Superior Court, Case No. 1-04-CV-026723

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the Closed Session items to public comment. No comments were offered.

### **ADJOURN TO CLOSED SESSION**

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 6:03 p.m.

### **RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 7:08 p.m.

### **CLOSED SESSION ANNOUNCEMENT**

City Attorney/Agency Counsel Leichter announced that authority was given to defend in items 1 and 3 as listed above.

### **PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

## ***City Council Action***

### **CONSENT CALENDAR:**

**Action:**        *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Approved** Consent Calendar Item 1 as follows:*

1.     **EMERGENCY EXPENDITURE FOR WATER LINE REPAIR AT EAST DUNNE BOOSTER STATION – Resolution No. 5867**  
***Action:** 1)     **Adopted** Resolution No. 5867, Declaring the Need for Emergency Expenditure for Repair Work to a High Pressure Water Line at East Dunne Booster Station; and 2) **Approved** Funding in the Amount of \$28,000 for this Emergency Work.*

### **ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 7:40 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**